

REMARKS

Claims 1, 3 – 15, 18 – 26, and 28 – 34 were pending. Claims 2 – 3, 13, 16 – 17, 24, 27– 28, and 31 are cancelled. Claims 1, 15, 26, 33, and 34 are amended herein. Thus claims 1, 4 – 12, 14 – 15, 18 – 23, 25 – 26, 29 – 30, and 32 – 34 are pending and presented for examination. In view of the following remarks, Applicant requests further examination and reconsideration. No new matter has been added.

Support for the amendments can be found throughout the specification, including FIG. 3, paragraphs 0031, 0032 – 0034, and 0041. No new matter has been added.

Claim Rejections under 35 USC 112

Claims 1 – 14 are rejected under 35 USC 112, second paragraph, as being indefinite. The Examiner states that the claimed limitations consist of hardware and software and that the analytics engine fails to provide any structure. In view of Applicant's amendments, Applicant requests that this rejection be withdrawn.

Applicant has properly interrelated essential elements of the invention as defined in the specification (i.e., computing device, processor) MPEP 2172.01. Moreover, the corresponding structure is clearly linked to the function recited in the claims. The discrete physical structures or materials may be comprised of hardware or a combination of hardware and software. (MPEP 2106). *Atmel Corp. v. Information Storage Devices Inc.*, 198 F.3d 1374, 1380, 53 USPQ2d 1225, 1229 (Fed. Cir. 1999). Software aspects of inventions may be described functionally. See *Robotic Vision Sys. v. View Eng'g, Inc.*, 112 F.3d 1163, 1166, 42 USPQ2d 1619, 1622-23 (Fed. Cir. 1997).

Claim Rejections under 35 USC 103

Claims 1, 3 – 15, 18 – 26, and 28 – 34 are rejected under 35 USC 103(a) as being unpatentable over *James* (U.S. Pat. Pub. No. 2004/0172409) in view of *Yahil* (U.S. Pat. No. 7,328,182). The Applicant respectfully traverses the rejection and respectfully submits that the applied references do not teach, suggest, or disclose either individually or in combination the claimed features. Applicant submits that the combination of the cited references would not render the subject matter of the amended claims obvious to one of ordinary skill in the art. Applicant respectfully requests that the Office withdraw the rejection under 35 USC 103.

In determining the differences between the prior art and the claims, the question under 35 U.S.C. 103 is not whether the differences themselves would have been obvious, but whether the claimed invention as a whole would have been obvious. *Stratoflex, Inc. v. Aeroquip Corp.*, 713 F.2d 1530, 218 USPQ 871 (Fed. Cir. 1983). Thus, when evaluating the scope of a claim, every limitation in the claim must be considered. Office personnel may not dissect a claimed invention into discrete elements and then evaluate the elements in isolation. Instead, the claim as a whole must be considered. See, e.g., *Diamond v. Diehr*, 450 U.S. at 188-89, 209 USPQ at 9 ("This is particularly true in a process claim because a new combination of steps in a process may be patentable even though all the constituents of the combination were well known and in common use before the combination was made.").

Claim 1, as amended, recites in relevant part:

A system for detecting behavioral patterns related to the financial health of a business entity, comprising:

... the analytics engine is configured to:

(a) analyze **quantitative data** comprising the quantitative financial data and quantitative business data using a financial anomaly detection technique to detect the behavioral patterns associated with the business entity with respect to quantitative data;

(b) analyze **qualitative data** comprising the qualitative financial data and qualitative business data using the financial anomaly detection technique to detect the behavioral patterns associated with the business entity with respect to qualitative data; and

(c) evaluate the **analyzed quantitative data in combination with and in relation to the analyzed qualitative data** using a reasoning methodology that incorporates temporal relationships and confidence levels to **substantiate the detected behavioral patterns in relation to each other.**

In accordance with the claim recited above, there are a combination of three unique steps which are NOT shown, suggested, or described in the cited art, in the same order and manner in which they are recited in the claim, namely, (a) *analyze quantitative data*, (b) *analyze qualitative data*, and (c) *evaluate the analyzed quantitative data in combination with and in relation to the analyzed qualitative data ... to substantiate the detected behavioral patterns in relation to each other*.

This unique combination of steps (i.e., 62, 64, 66) can be easily seen in FIG. 3 reproduced below for the Examiner's kind consideration.

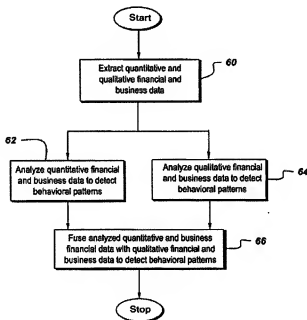


Fig. 3

The invention analyzes quantitative data (step 62), separate and apart from analysis of qualitative data (step 64). Then, it goes further to evaluate (step 66) these two analyses with respect to each other to substantiate the results. As detailed in the specification paragraphs 0032 – 0034, substantiation occurs, for example, when the *quantitative* behavioral pattern suggests higher debt and the *qualitative* behavioral pattern similarly suggests a large off-balance sheet debt, then the *qualitative data* substantiates the *quantitative data*.

On the other hand, Applicant submits that *James* does not suggest or describe this combination/arrangement of steps and the ensuing results. Moreover, *Yahil* fails to remedy the shortcomings of *James*. Although *James* describes multiple statistical analysis methods, the unique combination/arrangement of steps and the ensuing results of the claim are entirely missing therefrom. Even though *James* describes collecting data [0071-72], storing data [0073], analyzing data [0077 – 82], using patterns/events defined by the user [0092 – 94], and correlating data points 112 with events 118 [0112], these steps do not adequately describe or suggest the steps as detailed in the claims nor are they arranged in a manner required by the claims. Of particular note is that there is no evaluation step that combines and substantiates *qualitative data* with respect to *quantitative data*.

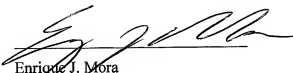
Accordingly, Applicant requests that the rejection of claim 1 be withdrawn. Moreover, Applicant submits that the same arguments can be applied to the remaining independent claims. Thus, Applicant's above-recited arguments are incorporated herein with respect to those claims. Accordingly, Applicant requests that the rejection of the remaining independent claims be withdrawn.

The dependent claims incorporate all of the subject matter of their respective independent claims and add additional subject matter which makes them a fortiori and independently patentable over the art of record. Accordingly, Applicant respectfully requests that the outstanding rejections of the dependent claims be reconsidered and withdrawn.

For the reasons set out above, Applicant respectfully submits that the application is in condition for allowance. Favorable reconsideration and allowance of the application are, therefore, respectfully requested.

Respectfully submitted,

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